

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Petitioner,

v.

CAROL PORTER,

Respondent.

Case No. C05-5793RJB

ORDER CAUTIONING PETITIONER
REGARDING HIS FILINGS, AND
DENYING PETITIONER'S
MOTIONS FOR APPOINTMENT OF
COUNSEL, TO "RE-OPEN" THE
RECORD, TO EXCLUDE
CHARACTER EVIDENCE, TO
ALLOW ADDITIONAL
TRANSCRIPTS BY PETITIONER,
REQUESTING AN EVIDENTIARY
HEARING, AND REQUESTING A
CONTINUANCE

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner in this action, C05-5793RJB, is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. He also has a Civil Rights action filed under cause number C06-5110RJB.

Petitioner has bombarded the court with motions and letters since the beginning of this case. Many of the documents are written lightly in pencil and will not scan into the courts filing system. (Dkt. # 18, 19, 20, 27, 29, 30, 31, 32, 42, 50, 52). Many of the documents do not identify a case number and are letters to a former deputy clerk Ms. Thornton. In some cases the entire letter must be read to determine which if any case filed by petitioner it relates to. Petitioner has also began

1 making multiple motions in both cases by putting both cause numbers on a single motion. The court
2 does not conduct business by letter and petitioner is informed that his letters are read only to
3 determine where they should be filed and if they contain a motion that requires the courts attention.

4 Petitioner currently has pending:

- 5 1. Motion for appointment of counsel. (Dkt. # 34).
- 6 2. Motion to re-open the record. (Dkt. # 35).
- 7 3. Motion to exclude character evidence. (Dkt. # 36).
- 8 4. Motion for additional transcripts. (Dkt. # 37).
- 9 5. Motion for an evidentiary hearing. (Dkt # 38).
- 10 6. Motion for an evidentiary hearing. (Dkt. # 33).
- 11 7. Four motions to subpoena witnesses. (Dkt. # 42, 44, 45, 46).
- 12 8. A motion for a continuance that has not yet been docketed.

13 Respondent has filed a Motion to Dismiss the action as time barred in lieu of an answer.
14 (Dkt. # 48 and 49).

15 The court instructs the court clerk to note respondents motion to dismiss, (Dkt# 48), for
16 **May 26th, 2006**. The court also orders the clerks office to return to Mr. Dickerson, without filing,
17 any letter or filing where he does not identify a case by the case number, any document where he
18 provides multiple case numbers and seeks to file the same document in two or more cases, and any
19 document he attempts to file that is so illegible or faint that it will not scan into the system.
20 Petitioner was previously warned to write legibly. (Dkt. # 26).

21 Mr. Dickerson current motions are **DENIED**. **Petitioner has until May 19th, 2006 to file a**
22 **response to the motion to dismiss and the only issue is whether this petition is time barred.**

23 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

24 DATED this 25th day of April, 2006.

25
26 /S/ J. Kelley Arnold
27 J. Kelley Arnold
28 United States Magistrate Judge